

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

JULY 11, 2003

(Published July 19, 2003, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
July 11, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held 6/20/03. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268880)

Affordable Multi-Family Ownership Housing Units: Receive & File update.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (268881)

Focus Minneapolis Initiative: Receive & File status report.

PLANNING COMMISSION/DEPARTMENT (268882)

Northeast Minneapolis Arts District: Receive & File status report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268883)

Ronald McDonald House Charities, Upper Midwest (621 Oak St SE): Preliminary and final approval to issue tax-exempt MCDA revenue bonds.

GRANTS AND SPECIAL PROJECTS (268884)

Hennepin County Department of Environmental Services Grant: Resolution supporting grant for environmental assessment of Anwatwin Woods site.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268885)

46th Street Light Rail Transit Station Area: Resolution adopting Redevelopment Plan.

2003 Revised Preliminary Planning Fund Allocations: Approve adding the Nicollet Hotel Housing Project to recommended allocations and approve reducing Preliminary Planning Fund appropriation.

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (268886)

Civilian Review Authority: Caseload Status Report.

HEALTH AND FAMILY SUPPORT SERVICES (268887)

Economic Impact Study of Childcare in Minneapolis: Response to questions raised during presentation at June 9th Meeting.

Eliminating Health Disparities Initiative in Minneapolis: Presentation focusing on efforts to reduce health disparities, including Aqui Para Ti/Here For You Teen Program.

HEALTH AND HUMAN SERVICES (See Rep):

CIVIL RIGHTS (268888)

Civil Rights Layoff Strategies: Approve layoff strategies.

HEALTH AND FAMILY SUPPORT SERVICES (268889)

Welfare-to-Work Program: Execute Joint Powers Agreement with Hennepin County for operation of Minnesota Family Investment Program, and to contract with Hennepin County to receive \$349,750 for period July 1, 2003 through June 30, 2004.

HEALTH AND HUMAN SERVICES and TRANSPORTATION & PUBLIC WORKS (See Rep):

REGULATORY SERVICES (268890)

Water Monitoring Task Force: Resolution creating a Task Force to oversee existing water quality monitoring data in the City of Minneapolis, improve coordination of water quality monitoring data and protocols, establish public health standards, and develop strategies to reduce water quality problems identified through monitoring efforts.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

REGULATORY SERVICES (268891)

Lead Poisoning: Accept grant award of \$27,000 and execute grant agreement with Alliance to End Childhood Lead Poisoning to develop and implement strategies to leverage disclosure laws regarding lead based paint within the City; and Approve appropriation.

Lead Risk Assessment and Clearance Services: Approve appropriating \$37,000 to reflect projected income from The Park Apartments for services provided by City.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (268892)

Bonding Projects: Presentations by MN Shubert Performing Arts & Education Center & MN Planetarium & Space Discovery Center.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (268893)

Laws of Minnesota: Resolution approving Laws of MN 2003, Chapter 115 re providing for establishment of certain positions in the unclassified service of the City by the City Council.

PUBLIC SAFETY AND REGULATORY SERVICES:

ATTORNEY (268894)

Nuisance Night Court: Written update regarding stakeholders involvement (i.e. courts being a partner, possible location for citing, resource needs and demands on various departments).

POLICE DEPARTMENT (268895)

911 Calls: Report back on analysis of responses by police officers, including nature, number and time spent on call.

Emergency Communications: State of the MECC, including Computer Aided Dispatch acquisition.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (268896)

Nuisance Night Court: Receive & File Report; Identify livability offenses occurring in the First Precinct area that shall be included in a night court/same day court pilot project; City Council continue

to explore a means of funding the pilot project from private, non-profit and business community sources; Direct City Attorney's Office and Police Department to report back to PS&RS on July 16, 2003 with a general idea of resources needed and feasibility of initiating a program similar to Philadelphia's Summary Diversion Behavior Class; Direct City Attorney's Office to report on results of analysis to implement pilot project in Minneapolis this summer.

FIRE DEPARTMENT (268896.1)

Emergency Preparedness and Homeland Security Challenges: Execute contract with Citygate Associates LLC for analysis of City's Risk and Deployment Strategies.

LICENSES AND CONSUMER SERVICES (268897)

Empire Concepts (319 1st Av N): Grant On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

License: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (268898)

2002 Domestic Preparedness Program Exercise Grant: Accept award of \$2,500 from Minnesota Department of Public Safety, Division of Emergency Management; and Approve appropriation.

2002 Domestic Preparedness Program Exercise Grant: Accept award of \$10,000 from Minnesota Department of Public Safety, Division of Emergency Management; and Approve appropriation.

EMT Training for Fire Department Suppression personnel: Renew and amend agreement with Hennepin County Medical Center for one-year period.

POLICE DEPARTMENT (268899)

Minnesota Violent Crime/Fugitive Task Force: Execute agreement with Federal Bureau of Investigation to pay overtime expenses necessary for detection, investigation and prosecution of multi-jurisdictional felony crimes.

Timekeeping System: Submit Request for Proposals seeking system for Police Department.

Homeland Security Overtime Grant: Submit grant application seeking \$500,000 from United States Department of Justice, Office of Community Oriented Policing Services (COPS) to fund officer overtime for training and other law enforcement activities designed to assist in the prevention of acts of terrorism and other violent and drug-related crimes.

REGULATORY SERVICES (268900)

Business Planning Services for Department of Operations and Regulatory Services:

Substitute Minnesota Request for Proposal process for IT professional services instead of City's process to select Deloitte & Touche LLC; and Authorize execute contract to utilize services of Tim David.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (268901)

Quarterly Submittal: Traffic Zones, Restrictions and Controls.

TRANSPORTATION AND PUBLIC WORKS Committee (See Rep):

TRAFFIC ENGINEERING (268902)

Public Right of Way: Amending Ordinances to utilize administrative enforcement and hearing process to regulate and control activities.

2003 Statewide Transportation Plan: Review plan.

Metro Transit Sector 5 Final Plan: Submit letter dated 6/10/03 to John Dillery.

Disability Zone Policy: Adopting the policy as it pertains to installation and removal of on-street disability zones.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (268903)

Bid: OP #6074, low bid of Adolfson & Peterson, Inc for membrane filtration plant at Columbia Heights.

Bid: OP #6106, low bid of Fridley entrance security enhancements.

Hiawatha LRT Agreement: Execution of agreement with Metropolitan Council for the design &

construction of traffic signals at 38th & 46th St Stations entrances, and increasing the 2003 Capital Improvement appropriation.

Hiawatha LRT Downtown Signal and Lighting Improvements: Redesignate capital funds.

PUBLIC WORKS AND ENGINEERING (268904)

Nicollet Av Lighting Project (46th St to Minnehaha Parkway Bridge): Ordering work to proceed and adopting special assessments; increasing the appropriation; and requesting the Board of Estimate & Taxation to issue and sell bonds.

Alley Reconstruction (btw 6th St NE & Washington St NE from Broadway St NE to 8th Av NE: Ordering the work to proceed and adopting special assessments; requesting the Board of Estimate & Taxation to issue & sell assessments bonds.

Accept gift of land: Donated land from Kalsybro for parking lot expansion at 50th & Ewing Av S.

South Transfer Station: Extension of contract with Waste Management.

Bids: a) OP #5950, increase contract with Prairie Restoration, Inc for wetland establishment - maintenance & general landscaping; b) OP #6070, low bid of General Safety Equipment LLC for fire trucks; c) OP #6087, low bids for cab, chassis and refuse packer bodies - Crane Carrier Company & ABM Equipment & Supply, Inc; d) OP #6102, the only bid of Castregon Inc for turf establishment as needed through 6/30/04; e) OP #6105, low bid of Prairie Restorations, Inc for wetland establishment - maintenance & general landscaping.

WAYS AND MEANS BUDGET:

HUMAN RESOURCES (268905)

Hiring, Promotion and Reclassification Freeze: Status report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (268906)

Master Legal Services Agreement: Amend contract with Green Espel P.L.L.P. to increase total allowed annual compensation.

Classification of Council Members and Mayor as Employees for Data Privacy Purposes.

Legal Settlement: Claim of Carol J. Irvine.

CONVENTION CENTER (268907)

Automated Teller Machines: Issue request for proposals to provide machines at the Minneapolis Convention Center.

Security Services: Contract with Burns International Security Services.

Facility Management System: Increase contract with Ungerboeck Systems, Inc. for additional software and maintenance.

Drapery Replacement: Accept bid of SECOA, Inc. for draperies and curtains.

Convention Center Expansion Project: Change order to contract with Kellington Construction.

FINANCE DEPARTMENT (268908)

Appointment of Trustees to the Minneapolis Firefighters Relief Association: Appointment of Michael Nguyen and Jack Qvale.

Bond Liquidity Provider: Approve Dexia Credit Local as new liquidity provider for the City's variable rate bonds.

HUMAN RESOURCES (268909)

Salary Steps Increases: Grant step increases for Merwyn Larson (Director of Inspections) and Adam Kramer (Director of the Water Works).

Minneapolis Professional Employees Association (MPEA) Labor Agreement: Executive summary of a 24-month agreement.

Respect in the Workplace Policy.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (268910)

HPC: Reappointments of Todd Grover & Phillip Koski.

INSPECTIONS/BOARD OF ADJUSTMENT (268911)

Appeals: Pat Young (5508 Queen Ave S): Variance for floor area of accessory structure & driveway width; Tim & Cynthia Slater (4638 Fremont Ave S): Variance for lamppost height.

PLANNING COMMISSION/DEPARTMENT (268912)

Appeal:

Gloria Perez Jordan, for Jeremiah Program (1510 Laurel Ave): Variance for fence height.

Rezoning:

Dan Bartus (3422 E 42nd St);

Hossein Azhukh (4137 France Ave S);

Powderhorn Residents Group, for Village in Phillips (1529, 1535, 1539, 1601, 1603, 1605, 1607, 1609, 1313, 1617 & 1619-24th St and 2406, 1408 & 2409-16th Ave S).

Vacations:

Powderhorn Residents Group, for Village in Phillips (See rezoning).

St. Stephen's Shelter (re 1407 Washington Ave S): Extension of time for zoning approvals for operation of homeless shelter.

PLANNING COMMISSION:

PUBLIC WORKS AND ENGINEERING (268913)

Permission to vacate 37th Street East between Chicago & Columbus Avs.

UNFINISHED BUSINESS (See Rep):

MAYOR (268914)

Veto: Ltr stating the reasons to veto a T&PW report passed by the Council 6/20/03 allowing Public Works to utilize administrative enforcement and the hearing process to regulate and control activities within public rights of way.

FILED:

CHARTER COMMISSION (268915)

Charter Commission 2002 Annual Report.

CITY CLERK/SPECIAL PERMITS (268916)

4th Av S, 501 (Crosstown Sign) sign;

5th St NE, 100 (Sign A Rama) sign;

5th St SE & 14th Av SE (Lawrence Sign) sign;

Clinton Av, 2940 (Crosstown Sign) sign;

Downtown Minneapolis (Shriners) horses;

Downtown Minneapolis (Minnesota Wildlife Connection) cougar;

Industrial Blvd, 345 & Marquette Av, 1001 (Minnesota Wildlife Connection) cougar;

Loring Park (Mike Schutz) sell t-shirts;

Lyndale Av S, 2822 (Intermedia Arts) car making workshops;

Main St area (Double D) pony rides;

Penn Av N, 3333 (Attracta Sign) sign;

University Av SE, 3357 (Lawrence Sign) sign.

INSPECTIONS/BOARD OF ADJUSTMENT (268917)

Board of Adjustment 2002 Annual Report

TELECOMMUNICATIONS (268918)

2002 Minneapolis Telecommunications Network annual report.

The following reports were signed by Mayor Rybak on 7/17/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying Resolution giving preliminary and final approval to issue up to \$3,000,000 in tax-exempt 501(c)(3) bank-qualified,

bank-direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, and authorizing a project on behalf of the Ronald McDonald House Charities, Upper Midwest.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA for approval.

Adopted 7/11/03.

Resolution 2003R-302, giving preliminary and final approval to issue up to \$3,000,000 in tax-exempt 501(c)(3) bank-qualified, bank-direct Minneapolis Community Development Agency Revenue Bonds for the Ronald McDonald House Charities, Upper Midwest, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-302

By Goodman

Giving preliminary and final approval to and authorizing a project on behalf of Ronald McDonald House Charities, Upper Midwest (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency (MCDA) therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue bonds for the purpose of providing financing for the acquisition, construction and installation of projects consisting of properties, real or personal, used or useful in connection with a revenue-producing enterprise, whether or not operated for profit; and

Whereas, it has been proposed that the Agency issue a revenue bond in the amount of approximately \$3,000,000 (the "Bond") to refinance a construction loan used for the construction of 15 units of housing for families with children who are being treated at local hospitals, attached to the Company's existing facilities located at 621 Oak Street SE in the City (the "Project"); and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an interest rate not to exceed five percent (5.00%) per annum, shall have a final maturity date not later than December 1, 2013, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in the principal amount of approximately \$3,000,000 for the purpose of financing the Project.

That the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 7/11/03.

Comm Dev - Your Committee recommends passage of the accompanying Resolution providing endorsement for the Hennepin County Department of Environmental Services to award a grant to the Minnesota Environmental Initiative, in the amount of \$10,000, which will provide financial support (through the Friends of Birch Pond Watershed/Save Anwatin Woods group) for an environmental assessment of the Anwatin Woods site.

Adopted 7/11/03.

Resolution 2003R-303, providing endorsement for the Hennepin County Department of Environmental Services to award a grant of \$10,000 to the Minnesota Environmental Initiative for an environmental assessment of the Anwatin Woods site, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-303
By Goodman

Providing endorsement, as required by the Hennepin County Department of Environmental Services, to provide financial support to Minnesota Environmental Initiative (MEI) for their portion of the work for Anwatin Woods.

Whereas, the Minneapolis City Council recognizes the value of ecological educational opportunities; and

Whereas, the Anwatin Woods offers an opportunity to preserve a unique ecological area in the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis supports the environmental finance grant from the Hennepin County Department of Environmental Services to the Minnesota Environmental Initiative for assistance to Friends of Birch Pond Watershed/Save Anwatin Woods for the Anwatin Woods site in Minneapolis.

Adopted 7/11/03.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying Resolution adopting the 46th Street Light Rail Transit (LRT) Station Area Redevelopment Plan.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to adopt the Redevelopment Plan.

Adopted 7/11/03.

Resolution 2003R-304, adopting the 46th Street Light Rail Transit Station Area Redevelopment Plan, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-304
By Goodman and Johnson

Adopting the 46th Street Light Rail Transit (LRT) Station Area Redevelopment Plan

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.01 Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended, (the "Agency Laws") the Minneapolis Community Development Agency (the "Agency") has the authority to propose and implement redevelopment projects and tax increment financing districts, among other things, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, 469.124 to 469.134, and 469.174 through 469.179, as amended; (collectively, the "Laws").

1.02 It has been proposed and the Agency has prepared the 46th Street LRT Station Area Redevelopment Plan (the "Redevelopment Plan") as defined in the Laws, to reflect the establishment of a redevelopment project, designation of boundaries thereof, activities to be undertaken within the area bounded by the project, including public infrastructure improvements, all pursuant to and in accordance with the Laws.

1.03 The Agency has caused to be prepared, and this Council has investigated the facts with respect to the proposed Redevelopment Plan identified herein, describing more precisely the designation of boundaries thereof, activities to be undertaken within the area bounded by the project (the "Project Area"), designation of a new land use feature called Transit Station Area (TSA), which addresses density/land use mix, urban design principles, pedestrian/bicycle/bus connections, and parking, all pursuant to and in accordance with the Laws.

1.04 The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Redevelopment Plan, including, but not limited to, a review of the proposed Redevelopment Plan by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Redevelopment Plan to the Hennepin County Board of Commissioners and the School Board of Special School District No 1, the Mayor of the City of Minneapolis, and other interested parties for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.05 The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Redevelopment Plan to reflect establishment and designation of project boundaries, objectives, and project activities in the Project Area.

Section 2. Findings for the Adoption of the Redevelopment Plan

2.01 The Council hereby finds, determines and declares that the establishment of the Redevelopment Plan will provide the City with the ability to achieve certain public purposes, and satisfy certain goals not otherwise obtainable in the foreseeable future without City involvement in the normal development process, and further that the Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development and redevelopment of the Project Area by private enterprise. Further, it is found that the area within the Project Area is potentially more useful and valuable than is being realized under existing uses, is less productive than is possible under the Redevelopment Plan, and is not contributing to the tax base to its full potential.

2.02 The Council further finds, determines and declares that the Redevelopment Plan conforms to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Redevelopment Plan were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.03 The Council further finds, determines and declares that the land would not be made available for redevelopment without the financial aid to be sought and that proposed development and redevelopment could not reasonably be expected to occur solely through private investment within the reasonably foreseeable future. Further, much of the property within the Project Area contains residential and commercial spaces that are obsolete for their present or continued use, irregular urban street grid patterns, is functionally obsolete, includes railroad tracks, abandoned railroad land, and evidence of former petroleum tanks and/or subsurface contamination on several properties.

2.04 The Council further finds, determines and declares that the actions authorized by the Redevelopment Plan are all pursuant to and in accordance with the Laws.

2.05 The Council further finds, determines and declares that it is desirable and in the public interest to establish, develop and administer a Redevelopment Plan for the Project Area, and further that it is necessary and in the best interests of the City at this time to approve the Redevelopment Plan.

Section 3. Approval of the Redevelopment Plan

3.01 Based upon the findings set forth in Section 2 hereof, the Redevelopment Plan presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Redevelopment Plan

4.01 The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the

Redevelopment Plan, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted 7/11/03.

Comm Dev & W&M/Budget - Your Committee, having under consideration the 2003 Revised Preliminary Planning Fund (PPF) allocations, now recommends approval, as amended, to add the Nicollet Hotel Housing Project, in the amount of \$35,000, thereby reducing the unallocated funds from \$75,000 to \$40,000.

Your Committee further recommends passage of the accompanying Resolution, amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution by reducing the appropriation in Fund CPP (Preliminary Planning) by \$1,111,914.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to allocate \$993,500 from the PPF for the appropriate projects, including the Nicollet Hotel Housing Project.

Adopted 7/11/03.

RESOLUTION 2003R-305
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by decreasing the appropriation in Fund CPP by \$1,111,914 from the projected fund balance.

Adopted 7/11/03.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS – Your Committee, to whom was referred an ordinance amending Title 2 of the Minneapolis Code of Ordinances relating to *Administration* by adding a new Chapter 19 relating to *Employee Authority in Immigration Matters*, clarifying the communication and enforcement relationship between the City of Minneapolis and the United States Department of Homeland Security, now recommends that said ordinance be given its second reading for amendment and passage.

Schiff moved to substitute a new ordinance for the above-mentioned ordinance. Seconded.

Adopted by unanimous consent.

Niziolek moved to amend Section 19.20, Subsection “4” of the substitute ordinance by deleting the language “Hennepin County or by”. Seconded.

Adopted upon a voice vote.

The report, with the substitute ordinance, was adopted 7/11/03.

Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels, Ostrow.

Nays - Lane.

Declining to Vote - Johnson.

Approved by Mayor Rybak 7/11/03.

(Published 7/15/03)

Ordinance 2003-Or-092 amending Title 2 of the Minneapolis Code of Ordinances by adding a new Chapter 19 relating to *Employee Authority in Immigration Matters*, summarized as follows, was passed 7/11/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

- a. Section 19.10 relating to Purpose and policy statement.
- b. Section 19.20 relating to General city services.
- c. Section 19.30 relating to Public safety services.
- d. Section 19.40 relating to Complaints and discipline.
- e. Section 19.50 relating to Subpoena.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-092

By Schiff, Johnson Lee, Lilligren, Niziolek, Samuels, Zerby and Zimmermann

Intro & 1st Reading: 2/28/03

Ref to: W&M/Budget

2nd Reading: 7/11/03

Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration by adding a new Chapter 19 relating to Employee Authority in Immigration Matters.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 19 to read as follows:

CHAPTER 19. EMPLOYEE AUTHORITY IN IMMIGRATION MATTERS

19.10. Purpose and policy statement. This ordinance clarifies the communication and enforcement relationship between the city and the United States Department of Homeland Security and other federal agencies with respect to the enforcement of civil immigration laws. The city works cooperatively with the Homeland Security, as it does with all state and federal agencies, but the city does not operate its programs for the purpose of enforcing federal immigration laws. The Homeland Security has the legal authority to enforce immigration laws in the United States, in Minnesota and in the city. This ordinance shall be the only regulation within the city on this subject matter, and it shall supersede all conflicting policies, ordinances, rules, procedures and practices.

19.20. General city services. (a) To the extent permitted by law, in determining eligibility for, and providing general city services, city employees shall be governed by the following requirements:

- (1) City employees are to carry out their regular duties for the purpose of administering general city services and programs. Employees may complete I-9 forms, may question a person regarding the I-9 form and documents supporting the I-9 form, and may allow Homeland Security to audit the I-9 forms as allowed by law. Employees shall comply with any properly issued subpoena for the production of documents or witnesses, even if related to immigration issues or issues of the Homeland Security.
- (2) City employees shall follow general city, state and federal guidelines to assess eligibility for services. City employees shall only solicit immigration information or inquire about immigration status when specifically required to do so by law or program guidelines as a condition of eligibility for the service sought. City employees may require evidence of a person's identity and may ask to see a person's personal identifying documents only when specifically authorized and required to do so by the employee's work duties. City employees shall not discriminate against any current or potential service users on the basis of any of the protected categories listed in the city's civil rights ordinance (139.40), or on the basis of immigration status.
- (3) Other than complying with lawful subpoenas, city employees and representatives shall not use city resources or personnel solely for the purpose of detecting or apprehending persons whose only violation of law is or may be being undocumented, being out of status, or illegally residing in the United States (collectively "undocumented").
- (4) Where presentation of a Minnesota driver's license is customarily accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-

issued document) shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Minnesota driver's license. This paragraph does not apply to I-9 forms.

(b) General city services defined. General city services shall mean all city services excepting those services specifically listed as public safety services in section 19.30.

(c) City attorney's office - civil division employees may investigate and inquire about immigration status when relevant to potential or actual litigation or an administrative proceeding.

19.30. Public safety services. (a) To the extent permitted by law, in providing public safety services, employees of the police and fire departments, and the city attorney's office - criminal division, (collectively, public safety officials), shall be governed by the following requirements:

(1) Public safety officials shall not undertake any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status, including but not limited to questioning any person or persons about their immigration status.

(2) City attorney's office - criminal division employees shall be permitted to:

a. Inform persons of the possible immigration consequences of a guilty plea.

b. Question and conduct cross-examination of a witness or defendant regarding immigration status.

c. Inquire about immigration status for purposes of bail or conditional release.

d. Investigate and inquire about immigration status when relevant to the potential or actual prosecution of the case or when immigration status is an element of the crime.

e. Take immigration status and collateral effects of possible deportation into consideration during discussions held for the purpose of case resolution.

(3) Public safety officials shall not question, arrest or detain any person for violations of federal civil immigration laws except when immigration status is an element of the crime or when enforcing 8 U.S.C. 1324(c).

(4) Nothing in this ordinance shall prohibit public safety personnel from assisting federal law enforcement officers in the investigation of criminal activity involving individuals present in the United States who may also be in violation of federal civil immigration laws.

(b) All such use of city public safety personnel under 19.30(a)(3) and (a)(4) shall be documented, including any applicable Department of Homeland Security mission statement and operational guidelines, the reason for the dispatch of personnel, the name of the homeland security agent in charge, and the name of the officer authorizing the use of city personnel.

19.40. Complaints and discipline. Complaints of a violation of this ordinance shall be subject to disciplinary action under the appropriate union contract, civil service commission rules, or department work rules. It shall not be a violation of this ordinance to require the completion of I-9 forms or to inquire into or disclose the immigration status of the complainant or witnesses if necessary as part of the investigation of a complaint of a violation of this ordinance, or if deemed necessary by the appointing authority in order to administer discipline for such violations.

19.50. Subpoena. Nothing in this chapter prohibits city employees from responding to a properly issued subpoena.

Adopted 7/11/03.

Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels, Ostrow.

Nays - Lane.

Declining to Vote - Johnson.

H&HS – Your Committee recommends that the proper City Officers be authorized to execute a Welfare-to-Work Joint Powers Agreement with Hennepin County for the operation of the Minnesota Family Investment Program (MFIP) during the period July 1, 2003 through June 30, 2004. Further, to execute a contract with Hennepin County to receive \$349,750 in MFIP funds.

Adopted 7/11/03.

H&HS – Your Committee, to whom was referred back from the Council a report related to the layoff strategies presented by the Civil Rights Department, now recommends approval of the strategies as set forth in Petn No 268888 on file in the Office of the City Clerk.

Adopted 7/11/03.

Yeas, 8; Nays, 3 as follows:

Yeas - Schiff, Zerby, Lilligren, Goodman, Lane, Samuels, Johnson, Ostrow.

Nays - Zimmermann, Niziolek, Benson.

Declining to Vote - Colvin Roy, Johnson Lee.

The **HEALTH & HUMAN SERVICES** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

H&HS & T&PW – Your Committee recommends passage of the accompanying Resolution creating a Water Monitoring Task Force to oversee existing water quality monitoring data in the City of Minneapolis, improve coordination of water quality monitoring data and protocols, establish public health standards, and develop strategies to reduce water quality problems identified through monitoring efforts.

Adopted 7/11/03.

Resolution 2003R-306, creating a Water Monitoring Task Force, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-306
By Johnson Lee and Colvin Roy

Creating a Water Monitoring Task Force to oversee existing water quality monitoring data in the City of Minneapolis, improve coordination of water quality monitoring data and protocols, establish public health standards, and develop strategies to reduce water quality problems identified through monitoring efforts.

Whereas, Minneapolis is known as the City of Lakes; and

Whereas, Minneapolis is the first major metropolitan area graced by the waters of the great Mississippi River; and

Whereas, Minneapolis is the final destination for four important creeks: Minnehaha, Single, Bassett and Bridal Veil; and

Whereas, Minneapolis has a long and progressive history of protecting and enhancing its various waters; and

Whereas, monitoring our recreational waters to determine status and trends is an important part of protecting our water quality; and

Whereas, the Minneapolis Public Works Department is responsible for the development of the City's Phase I Surface Water Management Plan and coordination of the Minneapolis NPDES Stormwater and Combined Sewerage Overflow Permits; and

Whereas, water quality monitoring is invaluable to provide information on both aquatic or ecosystem health and public health;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That a Water Monitoring Task Force be created to:

- evaluate existing water quality monitoring efforts in the City of Minneapolis.

- coordinate water quality monitoring data and lab and specimen collection protocols to ensure quality and consistency.

- ensure that the information is included in the annual Minneapolis Park & Recreation Board Water Resources Report and Stormwater Management Program Annual Report on the status and trends of our various water bodies and provided to the public.

- develop and recommend strategies to reduce water quality problems identified through monitoring efforts.

- develop standards and policies across all watersheds in the City boundaries to ensure the public health and guard against the outbreak of disease.

- recommend policy changes for annual evaluation of standards by City agencies.

Be It Further Resolved that the Water Monitoring Task Force shall consist of the following voting members:

Chair, Transportation & Public Works Committee (or other designated elected Committee member)

Chair, Health & Human Services Committee (or other designated elected Committee member)

Mayor of Minneapolis

Minneapolis Park and Recreation Board of Commissioners (2)

and one staff member (not voting) each from the following areas:

Department of Operations and Regulatory Services

Department of Health & Family Support

Department of Public Works

Office of the Mayor

Minneapolis Park and Recreation Board designee.

Be It Further Resolved that the Water Monitoring Task Force shall seek one board member representative in the Task Force from each of the following:

Minnehaha Creek Watershed District

Mississippi Watershed Management Organization

Shingle Creek Watershed Commission

Bassett Creek Watershed Commission

and other governmental organizations as needed and required to fulfill the purposes of the Task Force.

Be It Further Resolved that the Water Monitoring Task Force shall be coordinated by Public Works and the Minneapolis Park & Recreation Board.

Be It Further Resolved that the Water Monitoring Task Force shall be staffed by the Department of Health & Family Support, Department of Public Works, Environmental Services in the Department of Operations and Regulatory Services, and the Minneapolis Park and Recreation Board.

Adopted 7/11/03.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$27,000 and execute a Grant Agreement with the Alliance to End Childhood Lead Poisoning to develop and implement strategies to leverage disclosure laws regarding lead based paint within the City of Minneapolis, and that activities performed shall be payable from Licenses & Consumer Services (060-835-8392). Further, passage of the accompanying Resolution appropriating \$27,000 to reflect receipt of said grant funds.

Adopted 7/11/03.

Resolution 2003R-307, appropriating a \$27,000 grant award from Alliance to End Childhood Lead Poisoning to Licenses & Consumer Services, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-307
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8392) by \$27,000 and increasing the Revenue Source (060-835-8392 – Source 3720) by \$27,000.

Adopted 7/11/03.

H&HS & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to deposit funds received from The Park Apartments for lead risk assessment and clearance services provided by the City into the Licenses & Consumer Services Agency (060-835-8392). Further, passage of the accompanying Resolution appropriating up to \$37,000 to reflect the projected income.

Adopted 7/11/03.

Resolution 2003R-308, appropriating \$37,000 in funds received from The Park Apartments to Licenses & Consumer Services, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-308
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8392) by \$37,000 and increasing the Revenue Source (060-835-8392 – Source 3220) by \$37,000.

Adopted 7/11/03.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR - Your Committee recommends passage of the accompanying resolution approving Laws of Minnesota 2003, Chapter 115, providing for the establishment of certain positions in the unclassified service of the City of Minneapolis by the Minneapolis City Council.

Adopted 7/11/03.

Resolution 2003R-309, approving Laws of Minnesota 2003, Chapter 115, providing for the establishment of certain positions in the unclassified service of the City of Minneapolis by the Minneapolis City Council, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-309

By Benson

Approving Laws of Minnesota 2003, Chapter 115.

Whereas, the Minnesota State Legislature has passed a law providing for the establishment of certain positions in the unclassified service of the City of Minneapolis by the Minneapolis City Council; and

Whereas said law, by its terms, requires an affirmative vote of a majority of the members of the of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 7/11/03.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Empire Concepts, 319 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Niziolek moved that the report be postponed. Seconded.

Adopted upon a voice vote.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 7/11/03.

Declining to Vote - Benson.

Resolution 2003R-310, granting Liquor, Wine and Beer Licenses, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-310

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2003

Solera Restaurant Holdings LLC, dba Solera, 700 Hennepin Av (Sidewalk Cafe Expansion);

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2004

WJ&M Inc, dba Bobs Pizza, 1501 Washington Av S (change in ownership from Bobs Pizza Inc, with Sidewalk Cafe to expire April 1, 2004);

On-Sale Wine Class B with Strong Beer, to expire April 1, 2003

Restaurant El Mexicano Inc, dba Restaurant El Mexicano, 124 W Lake St (upgrade from On-Sale Wine Class E with Strong Beer);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2004

Reyes & Reyes LLC, dba Carne Asada Fresh Mexican Grill, 809 E Lake St (new business);
American Groovo LLC, dba Bakery on Grand, 3804 Grand Av (new business, with Sidewalk
Cafe to expire April 1, 2004);
Restaurant El Mexicano Inc, dba Restaurant El Mexicano, 124 W Lake St.
Adopted 7/11/03.
Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution
granting applications for Liquor, Wine and Beer Licenses.

Adopted 7/11/03.
Declining to Vote - Benson.
Approved by Mayor Rybak 7/11/03.
(Published 7/15/03)

Resolution 2003R-311, granting Liquor, Wine and Beer Licenses, was passed 7/11/03 by the
City Council. A complete copy of this resolution is available for public inspection in the office of the
City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-311
By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

On-Sale Liquor Class A with Sunday Sales, to expire June 29, 2003

Gay 90's Inc, dba GLBT Pride, 400 Hennepin Av, 1st & 2nd floors (temporary expansion of
premises June 28 & 29, 2003, 8:00 a.m. to 1:00 a.m., sidewalk in front of establishment);

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2004

AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av (sidewalk cafe expansion);

On-Sale Liquor Class A with Sunday Sales, to expire June 14, 2003

Walker Art Center, dba Walker Art Center, 725 Vineland Pl (temporary expansion of premises
with entertainment June 13, 2003, 6:00 p.m. to 10:00 p.m. and June 14, 2003, 11:00 a.m. to 4:00
p.m.);

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2003

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S (temporary expansion
of premises with outdoor entertainment June 27 & 28, 2003, 7:00 p.m. to 1:00 a.m. and June 29,
2003, 4:00 p.m. to 1:00 a.m.);

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2004

La Nouvelle Paris Inc, dba Singapores Food & Music Cafe, 1835 Nicollet Av (new business);

On-Sale Liquor Class B with Sunday Sales, to expire June 21, 2003

Tay-Mac Inc, dba Whiskey Junction/Cabooze, 901 Cedar Av (temporary expansion of premises
June 21, 2003, 3:00 p.m. to 7:00 p.m., March of Dimes Ride);

On-Sale Liquor Class C-1 with Sunday Sales, to expire June 15, 2003

McTeague Enterprises Inc, dba Five Corners Saloon, 501 Cedar Av (temporary expansion of
premises with entertainment June 15, 2003, Noon to 9:00 p.m. in lot next to Saloon);

On-Sale Liquor Class D with Sunday Sales, to expire June 20, 2003

101 BLU LLC, dba 101 BLU, 3001 Hennepin Av (temporary expansion of premises June 20,
2003, 6:00 p.m. to 9:00 p.m.);

On-Sale Liquor Class E with Sunday Sales, to expire June 19, 2003

Campiello LLC, dba Campiello, 1320 W Lake St (temporary expansion of premises June 19, 2003, 5:00 p.m. to 8:00 p.m.);

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2004

GMRI Inc, dba Olive Garden Italian Restaurant, 12 S 6th St #255 (new business);

Temporary On-Sale Liquor

GLBT Pride/Twin Cities, dba GLMT Pride, 201 W 15th St (June 27, 2003, 5:00 p.m. to 11:00 p.m. at Ritz Parking Lot);

Minneapolis Downtown Council, dba Jazz Festival, 81 S 9th St #260 (temporary liquor with entertainment June 26, 27 & 28, 2003, Noon to 10:30 p.m. and June 29, 2003, Noon to 8:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Aquatennial Block Party, 80 S 9th St #260 (temporary liquor with entertainment July 18, 2003, 6:00 p.m. to 10:30 p.m. at Hennepin Av, Washington Av, 7th St);

Temporary On-Sale Wine

Minneapolis Downtown Council, dba Alive After Five, 81 S 9th St #260 (temporary wine with entertainment June 23, 24 & 25, 2003, 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Off-Sale Beer, to expire April 1, 2004 (Provisional)

RBF Corp of Wisconsin, dba Rainbow Foods, 1104 Lagoon Av (new proprietor);

Off-Sale Beer, to expire April 1, 2004

RBF Corp of Wisconsin, dba Rainbow Foods, 1540 New Brighton Blvd (new proprietor);

RBF Corp of Wisconsin, dba Rainbow Foods, 2919 26th Av S (new proprietor);

Temporary On-Sale Beer

Church of St. Anthony of Padua, dba Church of St. Anthony of Padua, 804 2nd St NE (August 3, 2003, Noon to 7:00 p.m.).

Adopted 7/11/03.

Declining to Vote - Benson.

Approved by Mayor Rybak 7/11/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 7/11/03.

Resolution 2003R-312, granting applications for Business Licenses, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-312

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of July 11, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268897):

Carnival; Check Cashing; Christmas Tree; Dancing School; Laundry; Place of Entertainment; Boarding House; Caterers; Confectionery; Food Distributor; Grocery; Food Manufacturer; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Heating, Air Conditioning & Ventilating Class B; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Motor Vehicle

Dealer - Additional Lot; Motor Vehicle Repair Garage; Motor Vehicle Used Parts Dealer; Oil Burner Installer; Peddler - Foot; Peddler - Special Religious; Pet Shop; Recycling/Salvage Yard; Residential Specialty Contractor; Secondhand Goods Class A; Solicitor - Company; Solicitor - Individual; Suntanning Facility; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Combined Trades; Tobacco Dealer; and Tree Servicing.

Adopted 7/11/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 7/11/03.

Resolution 2003R-313, granting applications for Gambling Licenses, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-313
By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Class A

VFW Post 246, dba VFW Post 246, 2916 Lyndale Av S (Site: VFW Post 246, 2916 Lyndale Av S);

Gambling Class B

Southwest Hockey Inc, dba Southwest Hockey Inc, 3011 E Lake St (Site: Cloggy's Tavern, 5404 34th Av S);

Gambling Lawful Exempt

Church of the Ascension, dba Church of the Ascension, 1723 Bryant Av N (Bingo, raffle & pulltabs September 20, 2003);

Sacred Heart of Jesus Polish National Church, dba Sacred Heart of Jesus Church, 420 22nd Av NE (Raffle August 9, 2003).

Adopted 7/11/03.

PS&RS - Your Committee, having received an update report on the Nuisance Night Court proposal, now recommends the following:

a. that the report be received and filed.

b. that the following livability offenses occurring in the First Precinct area be included in a night court/same day court pilot project: disorderly conduct, trespassing, loitering offenses, possession of drug paraphernalia, graffiti, littering, begging/panhandling, indecent conduct (only if conduct is public urination), lurking offenses, noise violations (boom cars) and liquor offenses including consuming by a minor, open bottle, consuming in public and liquor in park.

c. that the City Council continue to explore a means of funding the pilot project from private, non-profit and business community sources.

d. the City Attorney's Office and Police Department staff be directed to report back to the Public Safety & Regulatory Services Committee Meeting on July 16, 2003 with a general idea of the resources needed and the feasibility of initiating a program similar to Philadelphia's Summary Diversion Behavior Class, including a potential Restorative Justice component, and the City's Administrative Adjudication Process as a competing model.

e. the City Attorney's Office be directed to report on the results of an analysis to implement the pilot project in Minneapolis this summer that was performed by the District Court, the City of Minneapolis and Hennepin County.

Adopted 7/11/03.

PS&RS - Your Committee recommends that the proper City Officers be authorized to execute a contract with Citygate Associates LLC, in an amount not to exceed \$79,500, to provide an analysis of the City's Risk and Deployment Strategy to meet Emergency Preparedness and Homeland Security challenges, payable from existing grant funds.

Adopted 7/11/03.

Approved by Mayor Rybak 7/11/03.

(Published 7/15/03)

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a 2002 Domestic Preparedness Program Exercise Grant award of \$2,500 and execute a grant agreement with the State of Minnesota Department of Public Safety, Division of Emergency Management, and passage of the accompanying Resolution appropriating the grant funds to the Fire Department.

Adopted 7/11/03.

Resolution 2003R-314, appropriating \$2,500 to the Fire Department from receipt of a 2002 Domestic Preparedness Program Exercise Grant, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-314

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$2,500 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$2,500.

Adopted 7/11/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a 2002 Domestic Preparedness Program Exercise Grant award of \$10,000 and execute a grant agreement with the State of Minnesota Department of Public Safety, Division of Emergency Management, and passage of the accompanying Resolution appropriating the grant funds to the Fire Department.

Adopted 7/11/03.

Resolution 2003R-315, appropriating \$10,000 to the Fire Department from receipt of a 2002 Domestic Preparedness Program Exercise Grant, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-315
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$10,000 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$10,000.

Adopted 7/11/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to renew Agreement #017571 with the Hennepin County Medical Center (HCMC) to continue Emergency Medical Service Training for Fire Department Suppression personnel for a one-year period beginning July 1, 2003 and expiring June 30, 2004. Further, be authorized to execute Amendment #2 to said Agreement to increase the cost of services provided by HCMC to \$89,964, payable from the Fire Department (010-280-2816).

Adopted 7/11/03.

PS&RS & W&M/Budget - Your Committee, having under consideration the Minnesota Violent Crime/Fugitive Task Force, now recommends that the proper City Officers be authorized to execute an agreement with the Federal Bureau of Investigation (FBI) to pay overtime expenses necessary for detection, investigation and prosecution of inter-jurisdictional crimes during the period October 1, 2003 through September 30, 2004.

Adopted 7/11/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to solicit Request for Proposals for a timekeeping system for the Police Department.

Adopted 7/11/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to submit a Homeland Security Overtime Program Grant seeking \$500,000 from the United States Department of Justice, Office of Community Oriented Policing Services (COPS) to fund additional officer overtime for training and other law enforcement activities designed to assist in the prevention of acts of terrorism and other violent and drug-related crimes.

Adopted 7/11/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to substitute the State of Minnesota Request for Proposal (RFP) process for IT professional services instead of the City's process in order to select Deloitte & Touche LLP to provide business planning services to the Department of Operations and Regulatory Services. Further, that a contract be executed with Deloitte & Touche to utilize the services of Tim David, in the estimated amount of \$50,000.

Adopted 7/11/03.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances to will allow the Public Works Department to utilize the Administrative Enforcement and hearing process in regulating and controlling activities within the public rights of way of the city, now recommends that the following ordinances be given their second reading for amendment and passage.

Title 1, Chapter 2, relating to *General Provisions: Administrative Enforcement and Hearing Process*;

Title 5, Chapter 95 relating to *Building Code: Projections and Encroachments*;

Title 17 Chapter 429 relating to *Streets and Sidewalks: Right-of-Way Administration*; and

Title 17 Chapter 430 relating to *Streets and Sidewalks: Right-of-Way Permits*.

Adopted 7/11/03.

Absent - Zimmermann.

Ordinance 2003-Or-093 amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*, in regulating and controlling activities within the public rights of way, was passed 7/11/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-093

By Zimmermann

Intro & 1st Reading: 5/2/03

Ref to: T&PW

2nd Reading: 7/11/03

Amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to General Provisions: Administrative Enforcement and Hearing Process.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 2.20 of the above-entitled ordinance be amended to read as follows:

2.20. Persons authorized to issue citations. The following city employees are authorized to issue citations for violations of the Minneapolis Code of Ordinances:

- (1) Police officers.
- (2) Animal control officers.
- (3) License inspectors.
- (4) Fire chief, fire marshal and fire inspectors.
- (5) Building inspectors.
- (6) Manager of environmental health and environmental health inspectors.
- (7) Housing inspectors.
- (8) Zoning inspectors.
- (9) Traffic Control Agent II for violations of Title 13, Chapter 341.
- (10) Sidewalk inspectors.
- (11) Utility connection inspectors and their supervisor.
- (12) Real estate investigators and their supervisor.

Adopted 7/11/03.

Absent - Zimmermann.

Ordinance 2003-Or-094 amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Building Code: Projections and Encroachments, in regulating and controlling activities within the public rights of way, was passed 7/11/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-094
By Zimmermann
Intro & 1st Reading: 3/4/03
Ref to: T&PW
2nd Reading: 7/11/03

Amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Building Code: Projections and Encroachments.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 95.10 of the above-entitled ordinance be amended to read as follows:

95.10. Permit required for encroachment; liability; expiration. No portion of a building or other structure, including but not limited to steam lines, conduits, lighting standards, areaways, retaining walls, parking bays, etc., but excluding signs, as stated in Chapter 109, shall for any length of time encroach upon or project into, upon, over or under any street or alley, right-of-way, park or other public property without a special permit having been issued by the city clerk, except as specifically stated in this code, and the owner of any structure any part of which encroaches on, into, upon, over or under any public property shall be liable to the city for any damage which may result to any person or property by reason of such encroachment or the removal of such encroachment whether or not such encroachment is specifically allowed by this Code.

Any permission hereunder granted and all rights of the permittee hereunder shall cease at any time that said encroachment shall be removed and such permission shall in no way be considered a relinquishment by the city of that portion of said public right-of-way, or be of any force or effect beyond the time herein provided. Additional conditions may be imposed on encroachment permits to protect the health, safety or welfare of the public or to protect nearby property owners from hardship or damage or to protect other public interests as determined by the director of public works or the appropriate elected official.

Section 2. That the Minneapolis Code of Ordinance be amended by adding thereto a new Chapter 95.25 to read as follows:

95.25. Enforcement. Failure to comply with the provisions of this chapter may result in permit cancellation, administrative fines, restrictions or penalties as provided in Chapters 2, 429 and 430 of this Code.

Adopted 7/11/03.

Absent - Zimmermann.

Ordinance 2003-Or-095 amending Title 17, Chapter 429 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Right-of-Way Administration*; in regulating and controlling activities within the public rights of way, was passed 7/11/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-095
By Zimmermann
Intro & 1st Reading: 3/4/03
Ref to: T&PW
2nd Reading: 7/11/03

Amending Title 17, Chapter 429 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Right-of-Way Administration.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 429.60 to read as follows:

429.60. Enforcement. Failure to comply with the provisions of this chapter may result in permit cancellation, administrative fines, restrictions, or penalties as provided in Chapters 2, 429 and 430 of this Code.

Section 2. That Section 429.200 of the above-entitled ordinance be amended to read as follows:

429.200. Franchise holder exemption. In the instance of a person holding a franchise agreement with the city, and a conflict in language occurs between the franchise and Chapters 429 and/or 430, the conflict shall be resolved by honoring the terms of the franchise. Further, in the instance of a person holding a franchise agreement with the city, which provides for the payment of franchise fees to the city, such person shall be exempt from paying any other fees or costs except administrative fines as provided for in Chapter 2 and the disruptive cost as required by Chapter 430.

Adopted 7/11/03.

Absent - Zimmermann.

Ordinance 2003-Or-096 amending Title 17, Chapter 430 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Right-of-Way Permits*; in regulating and controlling activities within the public rights of way, was passed 7/11/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-096

By Zimmermann

Intro & 1st Reading: 3/4/03

Ref to: T&PW

2nd Reading: 7/11/03

Amending Title 17, Chapter 430 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Right-of-Way Permits.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 430.35 to read as follows:

430.35. Enforcement. Failure to comply with provisions of this chapter may result in permit cancellation, administrative fines, restrictions or penalties as provided in Chapters 2, 429 and 430 of this Code.

Adopted 7/11/03.

Absent - Zimmermann.

T&PW - Your Committee, having under consideration the draft revised 2003 Statewide Transportation Plan, now recommends that the proper City officers be authorized to review the proposed statewide plan and bring comments back to the July 15, 2003 Transportation and Public Works Committee meeting for city approval.

Adopted 7/11/03.

Absent - Zimmermann.

T&PW - Your Committee, having under consideration the Metro Transit Sector 5 Final Plan, now recommends that the proper City officers be authorized to submit a letter of the City's conclusions and recommendations dated June 10, 2003 to John Dillery, Metro Transit Sector 5 Project Manager.

Adopted 7/11/03.

Absent - Zimmermann.

T&PW - Your Committee recommends adopting the Disability Zone Policy as it pertains to the installation and removal of on-street disability zones, as set forth in Petn No. 268902 on file in the Office of the City Clerk.

Adopted 7/11/03. Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Benson, Goodman, Lane, Samuels, Johnson, Ostrow.

Nays - Niziolek.

Absent - Zimmermann.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Nicollet Avenue Street Lighting Project, now recommends passage of the accompanying Resolutions:

a) Ordering the work to proceed and adopting the special assessments in the amount of \$320,000 for said project;

b) Increasing the Public Works Transportation Street Lighting Capital appropriation by \$371,000 to be reimbursed by NRP in the amount of \$51,000 and by special assessments in the amount of \$320,000; and

c) Requesting the Board of Estimate and Taxation to issue and sell the City of Minneapolis bonds in the amount of \$320,000 for certain purposes other than the purchase of public utilities.

Adopted 7/11/03.

Absent - Zimmermann.

Resolution 2003R-316, ordering the work to proceed and adopting the special assessments for the Nicollet Avenue Street Lighting Project, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-316
By Colvin Roy and Johnson

Nicollet Avenue Street Lighting Project
Special Improvement of Existing Street No 6694L

Ordering the work to proceed and adopting the special assessments for the Nicollet Avenue Street Lighting Project.

Whereas, a public hearing was held on June 24, 2003, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2003R-226 passed May 16, 2003, to consider the proposed special assessments as on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said resolution 2003R-226 passed May 16, 2003.

Be It Further Resolved that the proposed special assessments as on file in the Office of the City Clerk be \$320,000 and are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments on the 2004 real estate tax statements.

Adopted 7/11/03.

Absent - Zimmermann.

RESOLUTION 2003R-317
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the PW - Transportation-Street Lighting Capital Appropriation in the Permanent Improvements Projects Fund by \$371,000 (4100-943-9432) for the Nicollet Avenue Street Lighting Project, to be reimbursed by special assessments in the amount of \$320,000 (4100-943-9432 Source - 3910) and NRP in the amount of \$51,000 (4100-943-9432 Source - 3845).

Adopted 7/11/03.

Absent - Zimmermann.

Resolution 2003R-318, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$320,000 for certain purposes other than the purchase of public utilities, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-318
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$320,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting improvements in the Nicollet Avenue Street Lighting Project, Special Improvement of Existing Street No 6694L, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 7/11/03.

Absent - Zimmermann.

T&PW & W&M/Budget - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to street lighting districts, a public hearing was held on June 24, 2003 to consider the establishment of Street Lighting District No 1301 and to consider all written and oral objections and statements regarding this matter.

Your Committee recommends that Street Lighting District No 1301 (streets to receive lighting are as designated in the Nicollet Avenue Street Lighting Project, Special Improvement of Existing Street No 6694L) as delineated in a report of the Transportation and Public Works Committee passed by the City Council on May 16, 2003 be and hereby is given preliminary approval.

Your Committee further recommends that the City Council not give final approval until two weeks after the Committee's report and recommendation.

Adopted 7/11/03.

Absent - Zimmermann.

T&PW & W&M/Budget - Your Committee having under consideration the Alley Reconstruction Project between 6th Street NE and Washington Street NE from Broadway Street NE to 8th Avenue NE, now recommends passage of the accompanying Resolutions:

a) Ordering the work to proceed and adopting the special assessments in the amount of \$52,200 for said project;

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$52,200, with the bonds to be paid for from special assessments.

Adopted 7/11/03.

Absent - Zimmermann.

Approved by Mayor Rybak 7/11/03.

(Published 7/15/03)

Resolution 2003R-319, ordering the work to proceed and adopt the special assessments for the alley reconstruction project, between 6th Street NE and Washington Street NE from Broadway Street NE to 8th Avenue NE, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-319
By Colvin Roy and Johnson

Alley Reconstruction between 6th Street NE and Washington Street NE from Broadway Street NE to 8th Avenue NE
Special Improvement of Existing Alley No 2235

Ordering the work to proceed and adopting the special assessments for the Alley Reconstruction Project.

Whereas, a public hearing was held on June 24, 2003, in accordance with Chapter 10, section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2003R-227, passed May 16, 2003 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2003R-227, passed May 16, 2003.

Be It Further Resolved that the proposed special assessments in the total amount of \$52,200 for the Alley Reconstruction Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Alley Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at ten (10) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) year and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2004 real estate tax statements.

Adopted 7/11/03.
Absent - Zimmermann.
Approved by Mayor Rybak 7/11/03.

Resolution 2003R-320, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$52,200 for certain purposes other than the purchase of public utilities, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-320
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$52,200 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the Alley Reconstruction between 6th Street NE and Washington Street NE from Broadway Street NE to 8th Avenue NE, Special Improvement of Existing Alley No. 2235, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 7/11/03.
Absent - Zimmermann.
Approved by Mayor Rybak 7/11/03.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing acceptance of a gift of land (Lot 6, Block 4, Girard Park Addition) from Kalsybro Company, as part of an expansion for the parking lot at 50th Street and Ewing Avenue South.

Adopted 7/11/03.
Absent - Zimmermann.

Resolution 2003R-321, authorizing acceptance of gift of land (Lot 6, Block 4, Girard Park Addition) from Kalsybro Company, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-321
By Lane

Authorization of acceptance of gift of land (Lot 6, Block 4, Girard Park Addition) from Kalsybro Company.

Whereas, Kalsybro Company has offered to donate to the City a gift of land designated as Lot 6, Block 4, Girard Park Addition, for the purpose of expanding the existing parking lot owned by the City of Minneapolis at 50th Street and Ewing Ave So; and

Whereas, the expansion of the parking lot will add needed off-street parking which will serve the parking needs in the area;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Public Works Department perform title searches and environmental assessments and testing as may be reasonable and prudent to protect the City from acquiring polluted and otherwise encumbered land.

Be It Further Resolved that Public Works staff, upon determining that the donated land is compliant with environmental law and free of encumbrance, shall undertake such reviews or actions as may be needed to determine the optimal method for adding parking spaces to the 50th and Ewing lot, and Public Works staff shall be authorized to use architectural design services, seek issuance of a conditional use permit or zoning variances, and conduct public hearing, if required.

Be It Further Resolved that Public Works staff upon completing the studies and obtaining all permits necessary for the use of the property as a parking lot, shall record title to the denoted property and commence a parking lot expansion, to include the use of currently appropriated funds to resurface, restripe, light and beautify, the 50th St and Ewing Ave parking lot.

Be It Further Resolved that funds for the foregoing activities shall be taken from the City's Parking Fund consistent with such appropriations as were made for parking lot development at 50th and Ewing Ave by CLIC initiated appropriations in 1999 and 2000 and that expenditures be in accordance with laws regarding tax increment financing, and that these costs will be reimbursed from unspent capital project funds as they become available.

Adopted 7/11/03.

Absent - Zimmermann.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to extend the existing contract with Waste Management, Inc. for the operation of the South Transfer Station for an additional six months (February 1, 2004) to complete the strategic analysis of the facility.

Adopted 7/11/03.

Absent - Zimmermann.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to Public Works Department all in accordance with City specifications.

Adopted 7/11/03.

Absent - Zimmermann.

Resolution 2003R-322 granting approval of the bids for projects and/or services for the City of Minneapolis, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-322
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City Officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications. (Petr. No. 268904)

a) OP #5950, increasing Contract No. C-18751 with Prairie Restoration, Inc. in the amount of \$25,000 for a new estimated expenditure of \$120,000 to provide wetland establishment - maintenance and general landscaping, with all terms and conditions to remain the same;

b) OP #6070, low bid of General Safety Equipment LLC in the amount of \$4,664,967 to furnish and deliver fire trucks for Public Works Equipment Services Division, contingent on approval of the Civil Rights Department;

c) OP #6087, low bids as follows for cab & chassis and refuse packer bodies for Public Works Solid Waste, contingent on approval of the Civil Rights Department:

Crane Carrier Company in the amount of \$308,187; and

ABM Equipment & Supply, Inc. in the amount of \$135,216;

d) OP #6102, only bid of Castrejon Inc. for an estimated expenditure of \$95,000 for turf establishment for Public Works Operations as needed through June 30, 2004, contingent on approval of the Civil Rights Department;

e) OP #6105, low bid of Prairie Restorations, Inc. in the amount of \$143,280 for the Logan Avenue holding pond project wetland establishment - maintenance and general landscaping for the Public Works Sewer Division, contingent on approval of the Civil Right Department.

Adopted 7/11/03.

Absent - Zimmermann.

T&PW & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #6074 (Petr No 268903) submitted by Adolfson & Peterson, Inc., in the amount of \$33,858,000, for the Membrane Filtration Plant at Columbia Heights, all in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project/service, contingent on approval of the Civil Rights Department.

Adopted 7/11/03.

Absent - Zimmermann.

Approved by Mayor Rybak 7/11/03.

(Published 7/15/03)

T&PW & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #6106 (Petr No 268903) submitted by Thor Construction, Inc., in the amount of \$809,900, for Fridley entrance security enhancements for the Public Works Water Department, all in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project/service, contingent on approval of the Civil Rights Department.

Adopted 7/11/03.

Absent - Zimmermann.

Approved by Mayor Rybak 7/11/03.

(Published 7/15/03)

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Metropolitan Council for the design and construction of traffic signals at the entrances to the 38th and 46th Streets Light Rail Transit Stations to be paid for by the Metropolitan Council.

Your Committee further recommends passage of the accompanying Resolution increasing the project appropriation to be reimbursed by Metro Transit.

Adopted 7/11/03.

Absent - Zimmermann.

RESOLUTION 2003R-323
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the PW - Transportation Capital Agency in the Permanent Improvement Fund (4100-943-9440) by \$268,000 and increasing the revenue source (4100-943-9440 - Source 3755) by \$268,000 for the installation of traffic signals at the 38th Street and 46th Street Light Rail Transit Stations to be reimbursed by Metro Transit.

Adopted 7/11/03.

Absent - Zimmermann.

T&PW & W&M/Budget - Your Committee, having under consideration the Hiawatha Light Rail Transit (LRT) project, now recommends passage of the accompanying Resolutions providing for the redesignation of capital funds from the 2002 35th/36th Street Renovation project to the LRT Project to be used for downtown area signal and lighting improvements and requesting concurrence from the Board of Estimate and Taxation to redesignate the bond funds.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

T&PW & W&M/Budget - Your Committee, having under consideration the Hiawatha Light Rail Transit (LRT) project, now recommends passage of the accompanying Resolutions providing for the redesignation of capital funds from the 2000 Controller Conversion project to the LRT Project to be used for downtown area signal and lighting improvements and requesting concurrence from the Board of Estimate and Taxation to redesignate the bond funds.

The substitute report was adopted 7/11/03.

Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels, Johnson, Ostrow - 11.

Nays - Lane.

Absent - Zimmermann.

RESOLUTION 2003R-324
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above entitled Resolution, as amended, be further amended by redesignating funds in the amount of \$99,438.28 within the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440 - Revenue Source 3910) from the 2000 Controller Conversion Project to the Hiawatha LRT project for downtown area signal and lighting improvements. This action formally closes out the 2000 Controller Conversion Project.

Adopted 7/11/03. Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels, Johnson, Ostrow - 11.

Nays - Lane.

Absent - Zimmermann.

Resolution 2003R-325 requesting that the Board of Estimate and Taxation redesignate the bonds from 2002 35th/36th Street Renovation Project to Hiawatha Light Rail Transit downtown area signal and lighting improvements, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-325
By Colvin Roy and Johnson

Requesting The Board Of Estimate And Taxation to redesignate bond funds from the 2000 Controller Conversion Project To the Hiawatha Light Rail Transit (LRT) Project for Downtown Area Signal And Lighting Improvements.

Resolved by The City Council of The City of Minneapolis:

That the Transportation and Parking Services Division of The City of Minneapolis hereby requests that net debt bonds in the amount of \$99,438.28 be redesignated to the Hiawatha Light Rail Transit (LRT) project for downtown area signal and lighting improvements.

Adopted 7/11/03. Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels, Johnson, Ostrow - 11.

Nays - Lane.

Absent - Zimmermann.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends that the City's Master Legal Services Agreement with Green Espel P.L.L.P. be amended to allow total compensation paid under the contract to exceed the established limit of \$100,000 per year, based on the anticipated need for additional legal services.

Adopted 7/11/03.

W&M/Budget - Your Committee recommends passage of the accompanying resolution declaring that the City Council determines that its members and the Mayor are "employees" for purposes of classification of data under the Minnesota Data Privacy Act.

Adopted 7/11/03.

Yeas, 12; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Ostrow.

Nays - Schiff.

Resolution 2003R-326, declaring that the City Council determines that its members and the Mayor are "employees" for purposes of classification of data under the Minnesota Data Privacy Act, was passed 7/11/2003 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-326

By Johnson

Declaring that the members of the City Council of Minneapolis and the Mayor of Minneapolis are "employees" for purposes of Minnesota Statutes, Chapter 13, the Minnesota Government Data Practices Act.

Whereas, the City Council adopted a new Ethics Code on March 21, 2003; and

Whereas, the Ethics Code establishes a process for filing and review of complaints that allege that City officials or employees have violated the provisions of the Ethics Code; and

Whereas, investigation and evaluation of complaints can be conducted most effectively and in a manner that is fairest to the subjects of the complaint when data related to the complaint is generally non-public; and

Whereas, by statute, data regarding complaints about government employees if non-public, with certain exceptions; and

Whereas, by statute, complaint data filed pursuant to state ethics ordinances and received by the Campaign Finance and Public Disclosure Board ("CFPDB") regarding local officials is confidential, with certain exceptions; and

Whereas, the City's Ethics Officer and Ethical Practices Board have responsibilities that are comparable to the CFPDB with respect to ethics complaints filed pursuant to City ordinance; and

Whereas, classifying the City's elected officials as employees will result in complaint data filed against those officials being classified as non-public to the same extent as it is for complaints filed against non-elected employees of the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the members of the City Council of Minneapolis and the Mayor of Minneapolis are employees of the City for purposes of Minnesota Statutes, Chapter 13, the Minnesota Government Data Practices Act.

Adopted 7/11/03.

Yeas, 12; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Ostrow.

Nays - Schiff.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that the lawsuit filed by Carol J. Irvin (Hennepin County District Court File No. Em 01-002195) be settled by payment in the amount of \$55,000 to Ms. Irvine and her attorney William J. Mavity, and that the City Attorney be authorized to execute any documents necessary to effectuate said settlement and the release of claims.

Adopted 7/11/03.

W&M/Budget - Your Committee, having under consideration the Convention Center Expansion Project, now recommends that the proper City officers be authorized to execute Change Order #23 increasing Contract #15156 with Kellington Construction, Inc. by \$9,139 for a new contract total of \$19,844,544.

Adopted 7/11/03.

Approved by Mayor Rybak 7/11/03.

(Published 7/15/03)

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Executive Committee in granting a salary increase to Merwyn Larson, Director of Inspections, from Step B to Step D (effective January 1, 2003) of the established salary rate for his position, based on recognition of his actual years of service.

Adopted 7/11/03.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Executive Committee in granting a salary increase to Adam Kramer, Director of the Water Works, from Step C to Step D (effective January 1, 2003) of the established salary rate for his position, based on recognition of his actual years of service.

Adopted 7/11/03.

W&M/Budget - Your Committee recommends approval of the executive summary of the collective bargaining agreement between the City and the Minneapolis Professional Employees Association (MPEA) including the terms of a 24-month labor agreement, effective 1/1/2003 through 12/31/2004; and that the proper City officers be authorized to prepare and execute a collective bargaining agreement consistent with the terms of said summary; and that the Human Resources Director be authorized to implement the terms and conditions of said agreement (Petr No 268909).

Adopted 7/11/03.

W&M/Budget -Your Committee recommends acceptance of the low bid meeting specifications received on OP #6107 of SECOA, Inc. in the amount of \$67,893 to furnish and install custom made draperies and curtains at the Minneapolis Convention Center.

Adopted 7/11/03.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for automatic teller machines at the Minneapolis Convention Center, effective October 24, 2003, at no cost to the City. Authorization is granted contingent upon review and approval of the RFP by the City's Permanent Review Committee.

Adopted 7/11/03.

W&M/Budget - Your Committee recommends that the City's contract with Ungerboeck Systems, Inc. (USI) for the software for the Convention Center Event Business Management System be increased by \$11,850 to fund addition of and training for a facility management module to schedule maintenance and services at the facility. Further, that the agreement be amended to include payment of ongoing annual maintenance and support for the module at an estimated amount of \$1,650 beginning in 2003.

Adopted 7/11/03.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract with Burns International Security Services for provision of facility security services for the Minneapolis Convention Center, effective July 1, 2003 through December 31, 2003, with an option to extend for two separate one-year periods, at an estimated annual cost of \$1,028,000 (\$514,000 for a half year) for 2003 (with the annual cost to increase by the Consumer Price Index on January 1 of each year).

Adopted 7/11/03.

W&M/Budget - Your Committee recommends approval of the appointment of Michael Nguyen (Treasury Director) and Jack Qvale (Secretary to the Board of Estimate and Taxation) as trustees of the Minneapolis Firefighters Relief Association, to complete the two-year terms for the former City representatives who have left City service, with both terms to expire on December 31, 2004.

Adopted 7/11/03.

W&M/Budget - Your Committee recommends passage of the accompanying resolution banning dangerous weapons from City-owned buildings or any space leased or controlled by the City.

Adopted 7/11/03.

Resolution 2003R-327, declaring that the City of Minneapolis ban dangerous weapons from city owned buildings or any space leased or controlled by the City of Minneapolis, was passed 7/11/2003 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-327

By Zerby, Johnson, Johnson Lee, Benson, Goodman, Lilligren, Zimmermann, Schiff, Ostrow, Samuels, Lane

Declaring that the City of Minneapolis ban dangerous weapons from city owned buildings or any space leased or controlled by the City of Minneapolis.

Whereas, Minnesota Statutes, Section 624.72, Subdivision 3, authorizes the City Council of the City of Minneapolis to promulgate reasonable rules for the purpose of protecting the free, proper and lawful access to, egress from and proper use of public property, and for the purpose of protecting the conduct of public business therein or thereon, free from interference, or disruption or the threat thereof; and

Whereas, The Chief Judge of the Fourth Judicial District issued an order on May 27, 2003, restricting the ability of persons to possess weapons in any courthouse complex in Hennepin County; and

Whereas, The City Council of the City of Minneapolis finds that the possession of dangerous weapons, as defined by Minnesota law, in places where the City of Minneapolis conducts business poses a threat of confusion, disturbance, delay, disruption, or interference with the conduct of public business; and

Whereas, combining potential workplace violence with weapons could lead to unnecessary injuries or deaths in the workplace; and

Whereas, the City of Minneapolis is desirous of having a safe and healthful workplace for its employees;

Now, Therefore Be It Resolved by the City Council of the City of Minneapolis:

That the purpose of this resolution is to properly care for and protect city facilities and to protect the free, proper and lawful access to, egress from and proper use of public property to conduct public business therein or thereon, free from interference, or disruption or the threat thereof.

Be It Further Resolved that the City of Minneapolis prohibits the possession of any dangerous weapon within any building owned by the City of Minneapolis or any space leased or controlled by the City of Minneapolis in which City of Minneapolis business is conducted.

Be It Further Resolved that the prohibition in this resolution does not apply to (1) licensed peace officers or federally authorized law enforcement agents in the performance of their official duties; and (2) any exception provided in the Hennepin County District Court's Order dated May 27, 2003 or as amended; and (3) employees of the Minneapolis Police Department, who are not licensed peace officers, when they handle or possess a firearm or dangerous weapon in the Minneapolis City Hall/ Hennepin County Courthouse in the course and scope of their employment with the City of Minneapolis.

Be It Further Resolved that the City Coordinator shall establish policies consistent with this resolution, including publishing or posting reasonable notice.

Adopted 7/11/03.

W&M/Budget - Your Committee recommends that the City's current Sexual Harassment Policy be rescinded and replaced with the *Respect in the Workplace Policy* (as included in Petn No 268909) so that the City's policy will be more closely aligned with the U. S. Supreme Court's decisions and Equal Employment Opportunities Commission guidelines on harassment in the workplace.

Adopted 7/11/03.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the termination of the City's current liquidity agreement with Bayerische Hypo-und Vereinsbank, AG, and execution of a new agreement with Dexia Credit Local as the new liquidity provider, as selected through a formal Request for Proposals (RFP) process, and including:

- a) Acceptance of new Standby Bond Purchase liquidity agreements with Dexia Credit Local;
- b) Modifications to all variable rate bond indentures as indicated in a master supplemental indenture to reflect replacement of the liquidity provider and the new terms; and
- c) Authorizing the Finance Officer to administratively execute extensions and other changes necessary to ensure the new liquidity facilities with Dexia Credit Local remain in force during the duration of the variable rate bonds.

Adopted 7/11/03.

Resolution 2003R-328, authorizing the termination of the City's current liquidity agreement with Bayerische Hypo-und Vereinsbank, AG, and execution of a new agreement with Dexia Credit Local as the new liquidity provider, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-328

By Johnson

Approving substitute liquidity facilities for the general obligation variable rate bonds of the City of Minneapolis, approving a master supplemental indenture, authorizing the execution and delivery of the substitute liquidity facilities and the master supplemental indenture, and approving and ratifying certain actions of the Finance Officer with respect to the substitute liquidity facilities and the master supplemental indenture.

Resolved by The City Council of The City Of Minneapolis:

Section 1. Background.

1.01. The Bonds. The following series of general obligation variable rate obligations (collectively, the "Bonds") have been issued by the City of Minneapolis (the "City") and are currently outstanding: (i) General Obligation Block E Bonds, Series 2000A (the "Series 2000A Block E Bonds"), CUSIP 60374A E88, issued pursuant to the Series 2000 Block E Indenture; (ii) General Obligation Taxable Block E Bonds, Series 2000B (the "Series 2000B Block E Bonds"), CUSIP 60374A E96, issued pursuant to the Series 2000 Block E Indenture; (iii) General Obligation Judgment Bonds, Series 2000 (the "Series 2000 Judgment Bonds"), CUSIP 60374A E62, issued pursuant to the Series 2000 Judgment Indenture; (iv) General Obligation Convention Center Bonds, Series 2000 (the "Series 2000 Convention Center Bonds"), CUSIP 60374A E70, issued pursuant to the Series 2000 Convention Center Indenture; (v) General Obligation Convention Center Bonds, Series 1999 (the "Series 1999 Bonds"), CUSIP 60374A WX3, issued pursuant to the Series 1999 Indenture; (vi) General Obligation Various Purpose Bonds, Series 1998B (the "Series 1998 Bonds"), CUSIP 60374A UW7, issued pursuant to the Series 1998 Indenture; (vii) General Obligation Various Purpose Bonds, Series 1997B (the "Series 1997 Bonds"), CUSIP 60374A SX8, issued pursuant to the Series 1997 Indenture; (viii) General Obligation Various Purpose Bonds, Series 1996 (the "Series 1996 Bonds"), CUSIP 60374A SK6, issued pursuant to the Series 1996 Indenture; (ix) General Obligation Various Purpose Bonds, Series 1995B (the "Series 1995 Bonds"), CUSIP 60374A LV9, issued pursuant to the Series 1995 Indenture; and (x) General Obligation Various Purpose Bonds, Series 1994A (the "Series 1994 Bonds"), CUSIP 60374A LJ6, issued pursuant to the Series 1994 Indenture.

1.02. The Indentures. The Bonds were issued under the following Trust Indentures (collectively, the "Indentures") between the City and Marshall & Ilsley Trust Company N.A., a national banking association (the successor to National City Bank of Minneapolis), as trustee (the "Trustee"): (i) the Trust Indenture, dated as of October 1, 2000 (the "Series 2000 Block E Indenture"); (ii) the Trust Indenture, dated as of September 1, 2000 (the "Series 2000 Judgment Indenture"); (iii) the Trust Indenture, dated as of September 1, 2000 (the "Series 2000 Convention Center Indenture"); (iv) the Trust Indenture, dated as of June 1, 2000 (the "Series 1999 Indenture"); (v) the Trust Indenture, dated as of June 1, 1998 (the "Series 1998 Indenture"); (vi) the Trust Indenture, dated as of June 1, 1997 (the "Series 1997 Indenture"); (vii) the Trust Indenture, dated as of June 1, 1996 (the "Series 1996 Indenture"); (viii) the Trust Indenture, dated as of June 1, 1995 (the "Series 1995 Indenture"); and (ix) the Trust Indenture, dated as of May 1, 1994 (the "Series 1994 Indenture").

1.03. The Bayerische Liquidity Facilities. The Bonds are subject to optional tender for purchase and mandatory tender for purchase in accordance with the terms of the Indentures. The payment of the purchase price of Bonds subject to optional or mandatory tender for purchase is expected to be paid from the proceeds of the remarketing of the Bonds by Wells Fargo Brokerage Service, LLC (the "Remarketing Agent") pursuant to the terms of the Remarketing Agreements (as defined in the Indentures). The payment of the purchase price of the Bonds subject to optional or mandatory tender for purchase is currently secured by Standby Bond Purchase Agreements made and entered into between Bayerische Hypo- und Vereinsbank AG, acting through its New York Branch ("Bayerische") and the City with respect to each series of Bonds (the "Bayerische Liquidity Facilities").

1.04. The Dexia Liquidity Facilities. Pursuant to Section 9.07(b) of each Bayerische Liquidity Facility, the City may terminate any Bayerische Liquidity Facility upon seven days' notice in the event the short-term debt of Bayerische is no longer rated by Standard & Poor's Ratings Services ("S&P") or Moody's Investors Service, Inc. ("Moody's") in its highest short-term rating category. The short-term debt of Bayerische is no longer rated by S&P or Moody's in its highest short-term rating category and, therefore, the short-term rating of the Bonds is no longer in the highest short-term rating category of all the national rating agencies.

1.05. Pursuant to Section 12.03 of the Indentures, the City may, at its option, obtain at any time a Substitute Liquidity Facility (as defined in the Indentures) from any financial institution in substitution for or replacement of the Bayerische Liquidity Facilities. Dexia Crédit Local, acting through its New York Agency ("Dexia"), has offered to provide Substitute Liquidity Facilities with respect to the Bonds in the form of standby bond purchase agreements between the City, the Trustee, and Dexia (the "Dexia Liquidity Facilities").

1.06. In conjunction with the execution and delivery of the Dexia Liquidity Facilities, the City and Dexia have determined that certain amendments to the Indentures are necessary to make the Indentures compatible with the terms of the Dexia Liquidity Facilities.

Section 2. Approval of Substitute Liquidity Facilities.

2.01. Approval of Substitute Liquidity Facilities. The City Council of the City hereby authorizes and directs the replacement of the Bayerische Liquidity Facilities with the Dexia Liquidity Facilities. The Dexia Liquidity Facilities, in the forms now on file with the Finance Officer, are hereby approved. The Mayor, the City Clerk, and the Finance Officer of the City (the "City Officers") are hereby authorized and directed to execute and deliver the Dexia Liquidity Facilities, substantially in the forms now on file with the Finance Officer, with such necessary and appropriate variations, omissions, and insertions as are not materially inconsistent with such form and as the City Officers, in their discretion, shall determine; provided that the execution thereof by the City Officers shall be conclusive evidence of such determination.

2.02. Actions by Finance Officer; Amendments. The Finance Officer is hereby authorized to take all actions required or contemplated to be undertaken by the City pursuant to the Dexia Liquidity Facilities. Without limiting the generality of the foregoing, the Finance Officer is authorized to: (i) prepare and deliver all notices, certificates, or other written documents required or permitted by the terms of the Dexia Liquidity Facilities to be delivered by the City to Dexia; (ii) request extensions of the Dexia Liquidity Facilities, prior to the expiration dates of the Dexia Liquidity Facilities, in accordance with the terms of the Dexia Liquidity Facilities; (iii) approve increases and reductions in fees payable to Dexia and approve other amendments to the Dexia Liquidity Facilities upon any extension of the terms of the Dexia Liquidity Facilities; and (iv) take all other actions that the Finance Officer may deem necessary or appropriate with respect to the Dexia Liquidity Facilities. The actions of the Finance Officer taken prior to the date hereof with respect to the substitution of liquidity facilities with respect to the Bonds are hereby ratified and approved.

Section 3. Approval of Master Supplemental Indenture.

3.01. Master Supplemental Indenture. The City Council of the City hereby approves the Master Supplemental Indenture in the form now on file with the Finance Officer. The City Officers are hereby authorized and directed to execute and deliver the Master Supplemental Indenture, substantially in the form now on file with the Finance Officer, with such necessary and appropriate variations, omissions, and insertions as are not materially inconsistent with such form and as the City Officers, in their discretion, shall determine; provided that the execution thereof by the City Officers shall be conclusive evidence of such determination.

Section 4. Miscellaneous.

4.01. Disclosure. The Finance Officer is hereby authorized to prepare any disclosure document deemed necessary by the Finance Officer relating to the substitution of the Dexia Liquidity Facilities for the Bayerische Liquidity Facilities. Such disclosure document shall be disseminated to such persons and depositories as the Finance Officer shall deem appropriate.

4.02. Certificates. The Finance Officer is authorized and directed to furnish certified copies of all proceedings and records of the City relating to the substitution of liquidity facilities for the Bonds, and such other affidavits and certificates as may be required to show the facts relating to the

substitution of liquidity facilities for the Bonds as such facts appear from the books and records in the Finance Officer's custody and control or as otherwise known to him; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained herein. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Remarketing Agent, the Trustee, Dexia, or other persons or entities in conjunction with the substitution of liquidity facilities for the Bonds.

4.03. Obligations of City. All covenants, stipulations, obligations, representations, and agreements of the City contained in this resolution or contained in the Master Supplemental Indenture, the Dexia Liquidity Facilities, or other documents referred to above shall be deemed to be the covenants, stipulations, obligations, representatives, and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations, representations, and agreements shall be binding upon the City. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred, and duties and liabilities imposed, upon the City by the provisions of this resolution, the Master Supplemental Indenture, the Dexia Liquidity Facilities, or other documents referred to above shall be exercised or performed by the City, or by such officers, board, body, or agency as may be required or authorized by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation, representation, or agreement herein contained or contained in the Master Supplemental Indenture, the Dexia Liquidity Facilities, or other documents referred to above shall be deemed to be a covenant, stipulation, obligation, representation, or agreement of any elected official, officer, agent, or employee of the City in that person's individual capacity, and neither the members of the City Council of the City nor any officer or employee executing the Master Supplemental Indenture or the Dexia Liquidity Facilities shall be liable personally on the Master Supplemental Indenture or the Dexia Liquidity Facilities or be subject to any personal liability or accountability by reason of the issuance thereof.

4.04. Rights of Parties. Except as herein otherwise expressly provided, nothing in this resolution or in the Master Supplemental Indenture or the Dexia Liquidity Facilities, expressed or implied, is intended or shall be construed to confer upon any person, firm, or corporation, other than the City, the Trustee, or Dexia, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision hereof or of the Master Supplemental Indenture or the Dexia Liquidity Facilities or any provision thereof; this resolution, the Master Supplemental Indenture, and the Dexia Liquidity Facilities and all of their provisions being intended to be, and being for the sole and exclusive benefit of the City, the Trustee, and Dexia to the extent expressly provided in the Master Supplemental Indenture and the Dexia Liquidity Facilities.

4.05. Severability. In case any one or more of the provisions of this resolution, or of the documents mentioned herein, shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, but this resolution and the aforementioned documents shall be construed as if such illegal or invalid provisions had not been contained therein.

4.06. Effective Date. This resolution shall take effect and be in force from and after its approval and publication.

Adopted 7/11/03.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Gloria Perez Jordan, for the Jeremiah Program, from the decision of the Planning Commission approving an application for a variance to increase the maximum allowable height of a fence in the 15' front yard setback along Hawthorne Ave from 4' to 6' at 1510 Laurel Ave, now recommends that said appeal be granted, and that an 8' fence be permitted as per the revised request of the applicant, and that the findings prepared by the Planning Department staff be adopted.

Adopted 7/11/03.

Z&P - Your Committee, having under consideration the appeal filed by Pat Young from the decision of the Board of Adjustment denying an application to increase the maximum permitted floor area of an accessory structure at 5508 Queen Ave S from 676 square feet to 837.5 square feet to allow a 19'-6" x 25' two-car attached garage addition to an existing 14' x 25' one-car attached garage, and a variance to increase the maximum permitted width of a driveway from 25' to 47', now recommends that said appeal be granted, with condition on approval of variance for increase of maximum permitted driveway is for 34' only and that the applicant remove the additional 4' of driveway on the north side of the property.

Adopted 7/11/03. Yeas, 12; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Benson, Goodman, Lane, Samuels, Johnson, Ostrow.

Nays - Niziolek.

Z&P - Your Committee, having under consideration the appeal filed by Tim and Cynthia Slater from the decision of the Board of Adjustment denying an application for a variance to increase the height of an existing lamppost from the permitted 8' to 17' at 4638 Fremont Ave S, now recommends that said appeal be granted.

Adopted 7/11/03.

Z&P - Your Committee recommends approval of the reappointments of the following individuals to the Heritage Preservation Commission:

- a) Todd Grover, 3442 - 43rd Ave S, Minneapolis (Ward 12), for a term to expire 6/01/2006;
- b) Phillip Glenn Koski, 3504 - 25th Ave S, Minneapolis (Ward 9), for a term to expire 6/01/2006.

Adopted 7/11/03.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the petition of Dan Bartus to rezone the property at 3422 E 42nd St by adding the Industrial Living Overlay District to the existing I1 District to permit construction of a multi-family dwelling, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 7/11/03.

Ordinance 2003-Or-097, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3422 E 42nd St by adding the Industrial Living Overlay District to the existing I1 District, was passed 7/11/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-097

By Schiff

1st & 2nd Readings: 7/11/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the Southeast Quarter of the Northwest Quarter of Section 7, Township 28, Range 23, Hennepin County, Minnesota described as follows: Beginning at the intersection of the north line of E 42nd St and the westerly line of Dight Ave thence West 80 feet along said north line of E 42nd St thence Northerly parallel with said westerly line of Dight Ave 141.75 feet thence East parallel with

said East 42nd Street 80.00 feet to the westerly line of Dight Ave thence Southerly along said westerly line of Dight Ave 141.75 feet to the point of beginning and there terminating (3422 E 42nd St - Plate 33) to add the Industrial Living Overlay District to the existing I1 District.

Adopted 7/11/03.

Z&P – Your Committee recommends granting the petition of Hossein Azhakh to rezone the property at 4137 France Ave S from R1A to the R3 District to permit construction of a duplex, notwithstanding the recommendation of the Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 7/11/03.

Ordinance 2003-Or-098, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 4137 France Ave S to the R3 District, was passed 7/11/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-098

By Schiff

1st & 2nd Readings: 7/11/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 39, Ex Alley Auditor's Subdivision No. 131 (4137 France Ave S - Plate 29) to the R3 District.

Adopted 7/11/03.

Z&P – Your Committee concurs in the recommendation of the Planning Commission relating to the following applications of Powderhorn Residents Group, for the Village in Phillips, and adopting the related findings prepared by the Planning Department:

a) Granting the petition of to rezone the property at 1529, 1535, 1539, 1601, 1603, 1605, 1607, 1609, 1613, 1617 and 1619 E 24th St; 2406, 2408 and 2409 - 16th Ave S from R2B to the R4 District to permit a 28-unit townhouse development, by passage of the accompanying ordinance amending the Zoning Code;

b) Granting the application to vacate the easterly part of the "T" shaped alley bounded by E 24th and 25th Sts and 16th and Bloomington Aves S, subject to retention of easement rights, by passage of the accompanying resolution;

c) Granting the application to vacate the westerly part of the "T" shaped alley bounded by E 24th and 25th Sts and 16th and 17th Aves S, subject to retention of easement rights, by passage of the accompanying resolution.

Adopted 7/11/03.

Declining to vote - Zimmermann.

Ordinance 2003-Or-099, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1529, 1535, 1539, 1601, 1603, 1605, 1607, 1609, 1613, 1617 and 1619 E 24th St; 2406, 2408 and 2409 - 16th Ave

S to the R4 District, was passed 7/11/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-099

By Schiff

1st & 2nd Readings: 7/11/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. All of Lots 2, 3, 4, 5, and the North 54 feet of Lot 1, Block 3, GILPATRICK'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota together with that part of the north half of the vacated east-west alley within said Block 3 which lies between the northerly extensions of the east and west lines of Lot 6, said Block 3; and All of Lots 1, 2, 3, and 4, Block 4, GILPATRICK'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota together with that part of the north half of the vacated east-west alley within said Block 4 which lies between the northerly extensions of the east and west lines of Lot 21, said Block 4 (1529, 1535, 1539, 1601, 1603, 1605, 1607, 1609, 1613, 1617 and 1619 E 24th St; 2406, 2408 and 2409 - 16th Ave S - Plate 21) to the R4 District.

Adopted 7/11/03.

Declining to vote - Zimmermann.

Resolution 2003R-329, vacating the easterly portion of a "T-shaped" alley bounded by E 24th & 25th Sts and 16th Ave & Bloomington Aves S, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-329

By Schiff

Vacating the easterly portion of a "T-shaped" alley bounded by 24th & 25th Streets East, 16th Avenue South, and Bloomington Avenue South.

Resolved by The City Council of The City of Minneapolis:

That all that part of the easterly portion of a "T-shaped" alley bounded by 24th & 25th Streets East, 16th Avenue South, and Bloomington Avenue South described as beginning at the northwest corner of Lot 21, Block 4, Gilpatrick's Addition to Minneapolis; thence north 16 feet; then east 123.5 feet to the southeast corner of Lot 1, Block 4; thence south 16 feet to the northeast corner of aforementioned Lot 21; thence west 123.5 feet, to POB is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to said corporation(s) as follows, to wit:

As to Xcel Energy: An easement over the north 10 feet of the proposed vacation area, to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley

upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 7/11/03.

Declining to vote - Zimmermann.

Resolution 2003R-330, vacating the westerly portion of a "T-shaped" alley bounded by E 24th & 25th Sts and 16th & 17th Aves S, was passed 7/11/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-330

By Schiff

Vacating the westerly portion of a "T-shaped" alley bounded by 24th & 25th Streets East and 16th & 17th Avenues South.

Resolved by The City Council of The City of Minneapolis:

That all that part of the westerly portion of a "T-shaped" alley bounded by 24th & 25th Streets East and 16th & 17th Avenues South described as beginning at the northwest corner of Lot 6, Block 3 Gilpatrick's Addition to Minneapolis; thence north 16 feet to the southwest corner of Lot 5, then east 123.5 feet; thence south 16 feet to the northeast corner of aforementioned Lot 6; thence west 123.5 feet, to POB is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to said corporation(s) as follows, to wit:

As to Xcel Energy: An easement over the north 10 feet of the proposed vacation area, to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 7/11/03.

Declining to vote - Zimmermann.

Z&P - Your Committee, having under consideration the application of St. Stephen's Shelter for conditional use permit to operate a homeless shelter at 1407 Washington Avenue South (C-0298), said conditional use permit having been upheld on appeal by the City Council on May 4, 2001, now recommends that the time period for which such zoning approvals are valid be extended to September 18, 2003 to allow the applicant to establish the use or to obtain building or other permits that are contingent upon valid zoning approvals.

Adopted 7/11/03. Yeas, 12; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Johnson.

MOTIONS

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of August, 2003, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 7/11/03.

Johnson moves to rescind the adoption of a report of the Public Safety & Regulatory Services and Ways & Means/Budget Committees relating to acceptance of donated security camera equipment from the Target Corporation, purportedly passed by the Council June 6, 2003, but without the required 2/3 majority of the Council required by Minnesota Statutes, Section 465.03. Seconded.

Adopted 7/11/03.

Johnson moves that the proper City Officers be authorized to accept donated equipment from Target Corporation, in an amount to be determined, to tie new and existing downtown security camera systems together, to be monitored from a central location, to detect and prevent crime and conduct surveillance of suspected criminal activity in the Downtown Safe Zone Project area. (Petn No 268827) Seconded.

Adopted 7/11/03. Yeas, 9; Nays, 4 as follows:

Yeas - Colvin Roy, Zerby, Lilligren, Johnson Lee, Niziolek, Goodman, Samuels, Johnson, Ostrow.

Nays - Zimmermann, Schiff, Benson, Lane.

Ostrow moved to waive the next-day rain date requirement for applicant Angela Currier for Northeast Community Development Corporation, for an event to be held August 13, 2003, with a rain date of August 20, 2003, from 6:00 to 9:30 p.m. on Lowry Avenue between 25th and 26th Avenues Northeast. Seconded.

Adopted 7/11/03.

UNFINISHED BUSINESS

T&PW - Your Committee, to whom was referred back on 6/6/03 ordinances amending the Minneapolis Code of Ordinances to will allow the Public Works Department to utilize the Administrative Enforcement and hearing process in regulating and controlling activities within the public rights of way of the City, now recommends that the following ordinances be given their second reading for amendment and passage.

Title 1, Chapter 2, relating to: *General Provisions: Administrative Enforcement and Hearing Process;*

Title 5, Chapter 95 relating to *Building Code: Projections and Encroachments;*

Title 17 Chapter 429 relating to *Streets and Sidewalks: Right-of-Way Administration;* and

Title 17 Chapter 430 relating to *Streets and Sidewalks: Right-of-Way Permits.*

VETOED BY THE MAYOR.

The question before the Council being "Shall the report pass notwithstanding the objections of the Mayor?" there were: Yeas, none; Nays, 13.

The vote on the question being less than the two-thirds majority required by the Charter to pass the report over the objections of the Mayor, said veto was sustained.

NEW BUSINESS

Goodman, Benson, Samuels, Schiff and Zimmermann offered an Ordinance amending Title 16 of the Minneapolis Code of Ordinances adding a new Chapter 415 entitled "Department of Community Planning and Economic Development, which was given its first reading and referred to the Community Development Committee (Establishing the CPED Department).

Lilligren moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the following matters:

- 1) *City v. Knutson Construction and Architectural Alliance*;
- 2) *City v. Arkay and Architectural Alliance*; and
- 3) *Kevin Leroy Buford v. City of Minneapolis, et al.*

Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

July 11, 2003 - 11:35 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Colvin Roy, Zimmermann, Schiff (In at 11:50), Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Ostrow.

Also present - Peter Ginder, Acting Deputy City Attorney; Tim Skarda and Ed Backstrom, Assistant City Attorneys; Peter Wagenius, Mayor's Office; Keefe, City Clerk; Jan Hrcir, City Clerk's Office.

Peter Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the following matters:

- 1) *City v. Knutson Construction and Architectural Alliance*;
- 2) *City v. Arkay and Architectural Alliance*; and
- 3) *Kevin Leroy Buford v. City of Minneapolis, et al.*

Lilligren moved that the meeting be closed for the purpose of consideration of the above matters pursuant to the City Attorney's statement. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:36 a.m.

Ed Backstrom summarized the matters of *City v. Knutson Construction and Architectural Alliance* and *City v. Arkay and Architectural Alliance* from 11:40 a.m. to 11:45 a.m.

Tim Skarda summarized the *Kevin Leroy Buford v. City of Minneapolis et al.*, lawsuit from 11:45 a.m. to 12:10 p.m.

The closed portion of the meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved that the meeting be opened for the purpose of taking actions relating to the above matters. Seconded.

Adopted upon a voice vote.

Lane moved that the City of Minneapolis ratify and authorize the City Attorney and the law firm of Kennedy and Graven to pursue appropriate legal action against Knutson Construction Services, Inc. and Architectural Alliance for defects in the Currie Public Works facility and Arkey Construction, Inc. Ingram Excavation Inc., and Architectural Alliance for damage to or defect in the Royalston Public Works facility, and, as necessary, any other parties that should be joined in the lawsuits. Seconded.

Adopted 7/11/03.

Johnson Lee moved that the meeting be adjourned at 12:12 p.m. Seconded.

Adopted upon a voice vote.

Merry Keefe,
City Clerk.

Unofficial posting: 7/15/2003

Official posting: 7/18/2003

Correction: 6/01/2004